

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-401-BO

LARON PARKS,

Plaintiff,

v.

BAR LOUIE,

Defendant.

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ORDER

This cause comes before the Court following plaintiff's response to the Court's order to show cause why this case should not be dismissed. [DE 10]. In his response, plaintiff asserts that he intended to allege a cause of action under the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301, *et seq.*, and not under Title VII as alleged in his original complaint. Accordingly, the Court construes plaintiff's response as a motion to amend his complaint pursuant to Fed. R. Civ. P. 15(a). Because leave to amend should be freely given, the Court **ALLOWS** plaintiff's request to file an amended complaint.

Plaintiff shall file an amended complaint not later than January 22, 2020, to assert a claim under the USERRA. Plaintiff shall serve his amended complaint on defendant pursuant to Fed R. Civ. P. 4. *See* Fed. R. Civ. P. 5(a)(2). As it relates to the original complaint, the motion for default judgment [DE 6] is **DENIED**.

SO ORDERED, this 2 day of January, 2020.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE